

3 FAM 1300 Appendix A

NEPOTISM—OLD 3 FAM 142.6-2

(TL:PER-361; 06-26-1998)

This appendix contains the anti-nepotism regulations previously published in 3 FAM 142.6-2. At this time, the new material which would be published in 3 FAM 1340 has not been cleared for issuance. Accordingly, the old 3 FAM material which is currently in force is issued as Appendix A of this chapter. This material applies to Foreign Service employees of the Department of State.

3 FAM 142.6-2 Anti-Nepotism Requirements

(TL:PER-172; 4-30-91)

(Effective date: 3-14-91)

(State Only)

a. Notwithstanding any other regulation, and except as provided in paragraph c below, no employee shall exercise supervisory responsibilities with respect to another member of the employee's family. Supervisory responsibilities for purposes of this regulation include: acting as rating or reviewing officer on evaluation reports, giving detailed instructions on performance of work assignments, initiating disciplinary actions, preparing or approving job descriptions, or otherwise having a working relationship which gives the appearance of direction and control over the work or career of the other member of the family. An official whose family member is employed must scrupulously insulate the exercise of the official's authority from acts affecting, or giving the appearance of affecting, the family member's career advancement or risk violation of 5 USC 3110 and the prohibited personnel practice provisions of 5 USC 2302(a)(7).

b. Any ambassador, chief of mission, deputy chief of mission, principal officer or deputy principal officer because of the special responsibility and authority of these positions, must obtain the Director General's approval of the arrangements proposed to be made to comply with this section when the spouse of such an officer is assigned to the same post. The requirement for approval by the Director General also applies to the employment of a family member under the posts' dependent-hire program.

c. Employment of an American Family Member (AFM), as defined in 3 FAM 8200 Appendix A - old 3 FAM 123, in a position that is subject to the general supervision of a member of the AFM's family is permissible only under the conditions listed under this paragraph. For the purposes of this regulation, an employee will be considered to exercise general supervision over an AFM if the employee occupies a position at any level in the line of supervision over the AFM.

(1) An official may not exercise supervision over a member of the official's family in such instances as are precluded in 3 FAM 142.6-2 paragraph a above and must scrupulously insulate the exercise of the official's authority from acts affecting, or giving the appearance of affecting, the AFM's career advancement;

(2) Selection of the AFM for employment must be accomplished in accordance with 3 FAM 8200 Appendix A - old 3 FAM 123.8;

(3) Neither the official nor any of the official's subordinates shall participate in the deliberations of the Post Employment Committee when considering the employment of a member of the official's family;

(4) The official must scrupulously avoid influencing, or giving the appearance of influencing, the deliberations of the Committee;

(5) An official may not serve as a rating or reviewing officer on a performance evaluation of a family member or serve in such a capacity for any employee who rates or reviews the performance evaluation of a family member;

(6) In all cases, including those covered by paragraph b above, a request for approval of the hire of the American Family Member should be made via DIRGEN channel cable and provide the following:

(a) Name and relationship of the applicant to the official;

(b) Position being applied for;

(c) Confirmation that position was advertised within the community;

(d) Application process (other applicants, sole applicant, committee selection);

(e) Work schedule (part-time, full-time, job share, etc.);

(f) Type of hire (temporary, intermittent, contract, etc.);

(g) Physical location of position (annex building, office of another agency, chancery, etc.); and

(h) Identification, by position and name, of the officers having rating and reviewing responsibility for this position and whether or not either officer is rated or reviewed by a family member of the applicant. Neither officer can be directed to fulfill this requirement from a non-interested or a non-related section simply as an expedient to hiring an official's dependent.